

REMARKS

Claims 1 and 20 have been amended to recite that the thermoplastic material comprising a thermoplastic polyurethane is an outer surface layer as described at paragraph [0018] lines 9-11.

Claims 1-8 and 16-53 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,117,176 to Chen ("Chen"). First, it should be noted that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (cited at M.P.E.P. § 2131). Looking at amended independent claims 1 and 20 and original claim 35, these claims all require a substrate or body "including a polyester and a polycarbonate". Turning to Chen, it is stated at column 15, line 66 to column 16, line 7 that

"The crystal gels can be casted unto various substrates, such as open cell materials, metals, ceramics, glasses, and plastics, elastomers, fluoropolymers, expanded fluoropolymers, Teflon (TFE, PTFE, PEA, FEP, etc), expanded Teflon, spongy expanded nylon, etc.; the molten crystal gel is deformed as it is being cooled. Useful open-cell plastics include: polyamides, polyimides, polyesters, polyisocyanurates, polyisocyanates, polyurethanes, poly(vinyl alcohol), etc."

Nothing in this cited section of Chen shows or suggests the use of a substrate or body including a polyester and a polycarbonate. Thus, it is respectfully submitted that all of the elements of amended claim 1 (and claims 2-19 that depend thereon), amended claim 20 (and claims 21-34 that depend thereon) and original claim 35 (and claims 36-53 that depend thereon) are not found in Chen.

Claims 1-8 and 16-53 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application No. 2004/0028907 to Wang ("Wang"). Looking at amended independent claims 1 and 20, these claims all require that the thermoplastic material comprising

a thermoplastic polyurethane be “an outer surface layer”. Also, original claim 35 requires a modular chain link including structural features such as spaced link ends.

Turning to Wang, there is described a multilayer article including an adhesive layer comprising a polyurethane wherein the adhesive layer is in contiguous contact with a second layer and a substrate layer (see Wang abstract). For instance, Example 1 of Wang describes the construction of a laminate wherein “the PU adhesive components were thoroughly mixed in paste form and uniformly applied to the dried e-coated metal substrates in a thin layer by using an application gun and attached static mixer pipe. A copolyestercarbonate-polycarbonate film assembly, which had been surface-washed with deionized water and oven dried, was then put on top of the adhesive with the polycarbonate film side in contact with the adhesive.” Clearly, the polyurethane layer in Wang is not an outer surface layer. Thus, it is respectfully submitted that all of the elements of amended claim 1 (and claims 2-19 that depend thereon), and amended claim 20 (and claims 21-34 that depend thereon) are not shown or suggested in Wang. Furthermore, Wang does not describe a modular chain link having (among other things) space link ends. Therefore, all of the elements of original claim 35 (and claims 36-53 that depend thereon) are not shown or suggested in Wang.

Claims 9-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Chen. As stated above, nothing in Chen shows or suggests the use of a substrate or body including a polyester and a polycarbonate as recited in amended claim 1. Because claims 9-15 depend from amended claim 1, they are not obvious over Chen.

Accordingly, it is submitted that Chen and Wang do not teach or suggest the invention recited in amended claim 1 (and claims 2-19 that depend thereon), amended claim 20 (and claims

21-34 that depend thereon) and original claim 35 (and claims 36-53 that depend thereon). It is therefore respectfully submitted that claims 1-53 are patentable over Chen and Wang.

Conclusion

It is submitted that the application has been placed in condition for allowance. Favorable reconsideration is respectfully requested.

No fees are believed to be needed for this amendment. However, if additional fees are needed, please charge them to Deposit Account No. 17-0055.

Respectfully submitted,

James C. Stebnicki *et al.*

Dated: November 5 , 2004

By:



Richard T. Roche
Registration No. 38,599
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-5805

5625937